REMARKS/ARGUMENTS

In the Final action dated November 20, 2006, claims 1 – 7 and 16 – 27 were rejected. In response, Applicants propose amending claims 1, 16, and 24 and canceling claims 20 – 23. Applicants respectfully request that these proposed amendments be entered to put the claims in condition for allowance or to put the claims in better condition for appeal. Applicants hereby request reconsideration of the claims in view of the claim amendments and the below-provided remarks.

Claims 1 – 7 and 16 – 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ash et al. (U.S. Pat. No. 6,778,535, hereinafter Ash) further in view of Seddigh et al. (U.S. Pat. No. 6,973,035, hereinafter Seddigh).

Claim 1

Claim 1 has been amended to emphasize that the reserved resources are for "the plurality of different traffic paths through said at least one transport network" and to emphasize that the resources needed are for "each traffic path" of the plurality of different traffic paths through said at least one transport network. As amended claim 1 recites:

> "A method comprising:
> routing a set-up message to a plurality of nodes in at least one transport network, wherein said set-up message reserves network resources for a plurality of different traffic paths through said at least one transport network as said set-up message visits each of said plurality of nodes; and
> routing said set-up message to said plurality of nodes in said transport network, wherein said set-up message provisions said reserved network resources for said plurality of different traffic paths through said at least one transport network as said set-up message revisits each of said plurality of nodes;
> ***wherein the reserved network resources for said plurality of different traffic paths through said at least one transport network are provisioned only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved.***"

Support for the claim amendments is provided, for example, in Applicants' specification at page 1, lines 25 – 27 and page 2, lines 3 – 21.

Claim 1 is rejected under the logic that Ash teaches all of the limitations of claim 1 except for the limitation of provisioning reserved network resources only if all of the resources needed for the plurality of different traffic paths through said at least one transport network have been successfully reserved. Seddigh is cited for teaching the above-cited limitation. Applicants assert that claim 1 is not obvious from Ash in view of Seddigh for the following reasons:

Ash teaches away from provisioning the reserved resources for said plurality of different traffic paths through said at least one transport network only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved

Claim 1 recites in part "wherein the reserved network resources for said plurality of different traffic paths through said at least one transport network are provisioned only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved." That is, all of the resources needed for each of the different traffic paths through a transport network must be successfully reserved before the resources for the respective paths are provisioned.

In contrast to claim 1, Ash teaches provisioning resources for only one path through a transport network (e.g., path A or path B, Fig. 2). In particular, Ash teaches provisioning resources for the first path that possesses sufficient resources. As taught by Ash, if the resources for a first path (e.g., path A) cannot be provisioned, then the resources of a second path (e.g., path B) are checked. If the resources for the second path (e.g., path B) cannot be provisioned, then the resources of a third path (e.g., path C, Fig. 3) are checked. This path-by-path process continues until one of the paths is provisioned. Once one of the paths is provisioned, the provisioning process ends. In particular, at col. 3, lines 26 – 32, Ash teaches:

> "As seen in FIG. 2, the shortest multi hop path is selected, which as seen in FIG. 2 comprises path A that passes through via nodes 6 and 5 before reaching destination node 4. Having selected

> Path A, the origin node checks whether available bandwidth exists for the Class-of-Service of the call on the link from node 1 to node 6. If so, then node 6 looks for available bandwidth on the link to node 5 in a similar manner. In turn, via node 5 looks for available bandwidth on the link to the destination node 4 in a similar manner. The search depth passes from each node to a successive downstream path in the set-up message. If any node along the selected path ascertains that an intermediate link, for example, the link between nodes 5 and 4, lacks sufficient bandwidth, then a crankback is sent back to the originating node 1 to select another path. The originating node 1 then selects the next shortest path, say path B in FIG. 2, and repeats the above-described process." (emphasis added)

And at col. 3, lines 33 – 44, Ash teaches:

> "FIG. 3 illustrates the path selection process in somewhat more detail. As discussed earlier, when node 1 receives a call destined for node 4, node 1 searches for the shortest path. Assuming that paths A and B are the shortest (each having an administrative weight of one), the originating node will select a path (e.g., path A) for example in fixed order, sequentially in terms of subsequent paths. Thus, the originating node will pick path A, but if any link lacks sufficient bandwidth, then the originating node 1 selects path B. If any link in path B lacks sufficient bandwidth, then the originating node 1 selects path C and so on. Between paths that are of equal length, the path having the lowest administrative weight is selected." (emphasis added)

That is, Ash teaches provisioning resources for the first path that possesses sufficient resources. As a path is being examined, there is no consideration given as to the resource availability of the other possible paths. In other words, if the path that is being examined possesses sufficient resources, then the path is provisioned regardless of whether or not other paths have sufficient resources. This path provisioning process as taught by Ash is in direct contrast to, and therefore teaches away from, the above-identified limitation of claim 1.

As stated above, claim 1 recites "wherein the reserved network resources for said plurality of different traffic paths through said at least one transport network are provisioned only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved." That is, all of the resources needed for ***each*** of the ***different*** traffic paths through a transport network must be successfully reserved ***before*** the resources are

provisioned. Ash teaches a path provisioning decision that is dependent on the resource availability of a single path through a network while claim 1 recites a path provisioning decision that is dependent on the resource availability of multiple different paths through a network. Because Ash teaches away from the above-identified limitation of claim 1, Applicants assert that a *prima facie* case of obvious has not been established.

Ash does not teach or suggest a set-up message that provisions reserved resources as the set-up message revisits nodes

Claim 1 recites in part that the "set-up message provisions said reserved network resources for said plurality of different traffic paths through said at least one transport network as said set-up message revisits each of said plurality of nodes." That is, the set-up message provisions traffic path as it revisits nodes.

In contrast to claim 1, Ash teaches that a "crankback message" is sent back to the originating node in the case where sufficient network resources are not available on the instant path and as such cannot be reserved or provisioned. At col. 3, lines 26 – 31, Ash teaches:

> "If any node along the selected path ascertains that an intermediate link, for example, the link between nodes 5 and 4, lacks sufficient bandwidth, then a crankback is sent back to the originating node 1 to select another path. The originating node 1 then selects the next shortest path, say path B in Fig. 2, and repeats the above-described process."

At col. 5, lines 35 – 53, Ash again teaches that the crankback message is used in the case where network resources are not available and as such cannot be reserved or provisioned.

In sum, claim 1 recites that a set-up message provisions reserved resources as the set-up message revisits nodes while Ash teaches that a crankback message is sent back to an originating node in the case where resources cannot be reserved or provisioned. Because claim 1 recites a message that revisits nodes to provision resources while Ash teaches a message that revisits nodes only when resources cannot be provisioned, Applicants assert that a *prima facie* case of obviousness has not been established.

Applicants point out that a similar argument was put forth in the Response dated August 18, 2006. Further, Applicants point out that this argument does not appear to be

addressed in the "Response to Arguments" section of the Final action dated November 20, 2006.

Seddigh does not teach or suggest provisioning the reserved resources for said plurality of different traffic paths through said at least one transport network only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved

Claim 1 recites in part "wherein the reserved network resources for said plurality of different traffic paths through said at least one transport network are provisioned only if all of the resources needed for each traffic path of the plurality of ***different*** traffic paths ***through*** said at least one transport network have been successfully reserved." That is, all of the resources needed for ***each of multiple different traffic paths through a transport network*** must be successfully reserved before the resources are provisioned.

In contrast to claim 1, Seddigh teaches how to reserve resources for only a single path. Although the connection is a two-way connection, Seddigh teaches that the resources are reserved for only a single path, in particular, the path between the sender (310) and the receiver (320), see Fig. 3. As illustrated in Fig. 3 of Seddigh, the single path between the sender (310) and the receiver (320) runs through devices $E_1 - E_8$. Because Seddigh is only concerned with one path through the network (the path between the sender (310) and the receiver (320)), the limitation of provisioning resources only if all of the resources ***for each of multiple different paths through a transport network*** were successfully reserved is not applicable to Seddigh.

Applicants point out that a similar argument was put forth in the Response dated August 18, 2006. Further, Applicants point out that this argument does not appear to be addressed in the "Response to Arguments" section of the Final action dated November 20, 2006.

The combination of Ash and Seddigh does not teach or suggest provisioning the reserved resources for said plurality of different traffic paths through said at least one transport network only if all of the resources needed for each traffic path of the plurality of different traffic paths through said at least one transport network have been successfully reserved as recited in claim 1

In conclusion, both Ash and Seddigh relate to reserving and provisioning resources for a single path, for example, the path between the origin and the destination (as taught by Ash) or the path between the sender and the receiver (as taught by Seddigh). In contrast to Ash and Seddigh, claim 1 is specific to provisioning resources for each traffic path of a plurality of different paths through a network only if all of the necessary resources for each different traffic path have been previously reserved. For the above cited reasons, Applicants assert that the combination of Ash and Seddigh does not teach or suggest ever claim limitation and therefore a *prima facie* case of obviousness has not been established.

Claims 2 – 7

Because claims 2 through 7 depend on claim 1, the Applicants respectfully submit that these claims are allowable based on an allowable claim 1.

Claims 16 – 19

Independent claim 16 has been amended to recite similar limitations to amended claim 1. Because of the similarities between claims 1 and 16 Applicants assert that the remarks provided above with respect to claim 1 apply also to claim 16. Because claims 17 through 19 depend on claim 16, the Applicants respectfully submit that these claims are allowable based on an allowable claim 16.

Claims 24 – 27

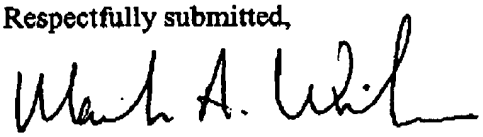
Independent claim 24 has been amended to recite similar limitations to amended claim 1. Because of the similarities between claims 1 and 24 Applicants assert that the remarks provided above with respect to claim 1 apply also to claim 24. Because claims

25 through 27 depend on claim 24, the Applicants respectfully submit that these claims are allowable based on an allowable claim 24.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Applicants respectfully request reconsideration of the claims in view of the amended claims and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,



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